

Paper No. 15

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GRANITE SQUARE, 700 STATE STREET  
P.O. BOX 1960  
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**OFFICE OF PETITIONS  
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**ON PETITION**

In re Application of  
Loffler et al.  
Application No. 09/284,155  
Filed: July 14, 1999  
Attorney Docket No. WWH-188

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on March 8, 2001, to revive the above-identified application.

The petition is **GRANTED**.

This application had become abandoned on August 2, 2000 for failure to timely reply to the final Office action mailed on May 1, 2000, which set a three (3)-month shortened statutory period for reply. No extensions of time for reply under 37 CFR 1.136(a) were obtained. On January 17, 2001, prior to the January 31, 2001 mailing of the Notice of Abandonment, Petitioner filed a petition under 37 CFR 1.137(b) to revive this application. However, the required reply under 37 CFR 1.137(b)(1)<sup>1</sup> was not submitted with that petition, resulting in the dismissal of that petition on February 23, 2001.

With the instant renewed petition, petitioner submitted a copy of a continuation application under 37 CFR 1.53(b). This continuation application, accompanied with a copy of Express Mail Receipt dated January 17, 2001, apparently had been mailed to an incorrect mail box of the Office, along with the \$1,510 check for covering the basic filing fee for the continuation application and the extra claims fee.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in

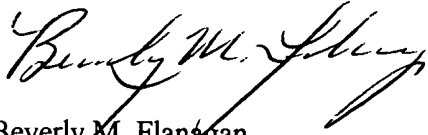
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<sup>1</sup> 37 CFR 1.137(b): A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application . . .

favor of the continuation application, Serial No. 09/764,619, which has been credited with the \$1,510 payment mailed on January 17, 2001. The continuation application will be processed in due course.

The file for application number 09/284,155 is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to Petitions Attorney RC Tang at (703) 308-0763.

A handwritten signature in black ink, appearing to read "Beverly M. Flanagan", with a stylized flourish at the end.

Beverly M. Flanagan  
Supervisory Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
For Patent Examination Policy